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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,390	10/15/2003	Valter Asteggiano	7587.215US01	2113
23552	7590	08/01/2005	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			SPISICH, GEORGE D	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 08/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/687,390	ASTEGGIANO, VALTER
	Examiner George D. Spisich	Art Unit 3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 July 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
 4a) Of the above claim(s) 4,6 and 7 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-3 and 5 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 15 October 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/18/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election of Species shown in Figure 3 in the reply filed on July 7, 2005 is acknowledged.

Claims 4,6 and 7 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on July 7, 2005.

With respect to Applicant's argument that claim 1 is generic, Examiner agrees. However, since Claim 1 has been rejected in this Action, only claims 1-3 and 5 which read on Figure 3 have been considered.

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Italy on October 17, 2002. It is noted, however, that applicant has not filed a certified copy of the foreign application as required by 35 U.S.C. 119(b).

Specification

The disclosure is objected to because of the following informalities:

The specification should not include the term "said" which is present on at least page 1, line 4.

On page 4, line 2 (at least) there is disclosed "the longer axis of the motor-vehicle". This is unclear. Examiner suggests replacing this phrase with "the longitudinal axis of the motor-vehicle" if appropriate.

Throughout the specification, the elements (at least) 11 and 16 (on at least page 4) are referred to by different terms. Examiner suggests using the same terms for a particular element for maintaining clarity.

Similarly, element 28 (on pages 4 and 5) have alternately been referred to as an attenuator, an actuator and a support. Examiner suggests the same correction as above

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-3 and 5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

It is not clear from the specification or the drawings, how the steering device would operate as no detail to any mechanical operation/connection that would allow the actuator to steer the wheel arrangement by manipulating the tension rod is disclosed.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 1 is unclear. The term "the" used for "the support", "the rocking...." and "the trailing...." are unclear since these terms have not yet been claimed. Examiner suggests using the phrase "for supporting a rocking wheel-hub of a trailing-arm rear suspension".

Claim 1, line 4, Examiner suggests changing "on a plane" to - - in a plane - - .

Claim 1, line 4, is unclear. Examiner believes that "the longer axle" should read - - the longitudinal axis - - .

Claim 1, line 7 and line 8, "supported into a seat" is unclear. Examiner suggests using "in" instead of "into". A similar occurrence exists in line 8.

Claim 1, lines 4 and 10 and claim 2, line 2, the term "basically" is unclear.

Claim 1, line 10, Examiner suggests replacing "between them" to - - each other- -

Claim 3 recites the limitation "the cylindrical seat" in line 1. There is insufficient antecedent basis for this limitation in the claim. Claim 3 depends from claim 1, where not only are there 2 seats and it is unclear which seat is being referred to in claim 3, but neither seat is claimed as a "cylindrical seat".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Grosseau (USPN 3,674,285) provided in Applicant's IDS.

Grosseau discloses (as best seen in Figures 6-9) a steering device for supporting a rocking wheel-hub or a trailing arm suspension of a motor vehicle in which the support for the wheel-hub consists of a connection element (5) rotatably connected to the body of the suspension, adapted to rotate in a plane "basically" perpendicular to the ground and parallel to the longitudinal axis of the vehicle. The connection element is provided

with attachments for the wheel hub and controlled by means of an elastic element (8) adapted to limit the rotation, characterized in that the support for the wheel hub rotates on a axle (7a) supported in a seat, which seat is adapted to rotate on an axle supported in rotation in another seat connected to the end of the suspension arm that is not connected to the bodywork of the vehicle. Both rotary movements being allowed in two planes basically perpendicular to each other.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2,3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grosseau (USPN 3,674,285) in view of Bruehl (USPN 5,979,919).

Grosseau has been discussed in the prior rejection. Furthermore, Grosseau discloses the seat on which the support for the wheel hub rotates is "basically" a cylindrical seat that has a steering lever connected to a tension rod. The tension rod of Grosseau would likely be controlled by an actuator, however, it is not disclosed that there is an actuator. Nor is the actuator positioned on the bodywork of the motor vehicle.

Buehl discloses an actuator to controls a tension rod connected to a steering lever to rotate a wheel support to steering the wheel arrangement. Furthermore, Buehl shows that the actuator is mounted apart from the suspension members and on what would be termed "bodywork" of the motor vehicle.

It would have been obvious to include an actuator mounted on the bodywork of the vehicle as shown by Bruehl in the steering arrangement of Grosseau so as to properly control the steering motion of the wheel arrangement.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Asteggiano (USPUB 2004/0007842), Hayami (USPN 5,380,024), Blondelet et al. (USPN 6,435,491), Suess (USPN 6,241,262), Lee (USPN 5,697,633).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (571) 272-6676. The examiner can normally be reached on Monday-Friday 9:00 to 6:30 except alt. Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

George D. Spisich
July 25, 2005

MM

P. Dickson 7/28/05
PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600